

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:

JOEL EDDLEMAN,

Respondent.

)
) **Case No. 19-178**
)
) **License No. 335667**
)
) **Order Regarding Reinstatement**
)
)

Pursuant to Board rule 282 I.A.C. 11.34, any person whose license has been suspended "may apply to the board for reinstatement in accordance with the terms and conditions of the order of the suspension."

FINDINGS OF FACT

1. The Board Order issued April 17, 2020, imposed a reprimand and a minimum 3-month suspension.

2. The Respondent was also ordered to complete a substance abuse evaluation prior to seeking reinstatement.

3. The Respondent submitted an application for reinstatement prior to the board's virtual meeting on August 5, 2020. The application included documentation of the required evaluation. The board reviewed the materials and voted to grant the application for reinstatement and issue an order stating the basis for the suspension no longer exists and it would be in the public interest for the Respondent's license to be reinstated.

CONCLUSIONS OF LAW

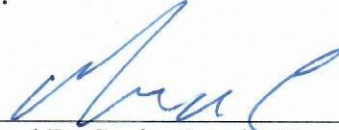
4. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the suspension of the respondent's license, certificate, or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated. The burden of proof to establish such facts shall be on the respondent. 282 I.A.C. 11.34(2).

5. The Board found the information provided did establish that the basis for the suspension no longer exists and that it will be in the public interest for the license to be reinstated.

ORDER

THEREFORE, the Board grants the Respondent's request for reinstatement, finding that the basis for the suspension no longer exists and it will be in the public interest for the license to be reinstated.

Dated this 5th day of August, 2020.



Michael D. Cavin, Interim Executive Director
On behalf of the Board

Copies to:

Joel Eddleman (first-class mail and certified mail)
RESPONDENT

Nathan Arnold (electronic mail)
ATTORNEY FOR RESPONDENT

IN THE MATTER OF:

JOEL EDDLEMAN,

Respondent.

Case No. 19-178

License No. 335667

Order

Pursuant to Board rule 282 I.A.C. 11.34, any person whose license has been suspended “may apply to the board for reinstatement in accordance with the terms and conditions of the order of the suspension.”

FINDINGS OF FACT

1. The Board Order issued April 17, 2020, imposed a reprimand and a minimum three-month suspension.
2. Prior to seeking reinstatement, the Order required Respondent to complete a fifteen-hour ethics course and a substance abuse evaluation.
3. The Respondent submitted an application for reinstatement prior to the board's electronic meeting on June 26, 2020. The application included documentation of completion of the ethics course and substance abuse evaluation. The minimum time period for the suspension had not yet elapsed when the Board met on June 26, 2020. Respondent asked the Board to issue an order reinstating his license effective July 17, 2020.

CONCLUSIONS OF LAW

4. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the suspension of the respondent's license, certificate, or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated. The burden of proof to establish such facts shall be on the respondent. 282 I.A.C. 11.34(2).
5. The Board found the information provided did not establish that the basis for the suspension no longer exists and that it will be in the public interest for the license to be reinstated, as the three-month minimum time period for the suspension had not yet ended. The Board noted it has a meeting currently scheduled for August 5, 2020, and would be willing to consider a future request for reinstatement from the Respondent at that time.

ORDER

THEREFORE, the Board denies the Respondent's request for reinstatement.

Dated this 26th day of June, 2020.

A handwritten signature in dark ink, appearing to read "Michael D. Cavin", is written over a horizontal line.

Michael D. Cavin, Interim Executive Director
On behalf of the Board

Copies to:

Joel Eddleman (first-class mail and certified mail)
RESPONDENT

Nathan Arnold (electronic mail)
ATTORNEY FOR RESPONDENT

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

APR 08 2020

In the matter of:)	BOEE Case No. 19-178
)	Folder # 335667
JOEL EDDLEMAN,)	
)	SETTLEMENT AGREEMENT AND
Respondent.)	FINAL ORDER
)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a Standard LICENSE (FOLDER # 335667) with the following endorsements: K-8 Reading; K-6 Teacher Elementary Classroom. This license is current and will next expire on 9/30/23. Respondent held a substitute license that expired on 9/30/08.
2. During all material events of this case, Respondent was employed as a Teacher with the River Woods Elementary School District.
3. On December 16, 2019, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.
4. On February 21, 2020, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 6 below. A hearing in this matter is currently scheduled for DATE.
5. Respondent was charged with being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or

consuming alcohol, in violation of 282 Iowa Administrative Code rule 25.3(2)(b).

6. Investigation revealed that on or about October 24, 2019, the Respondent was observed to be under the influence of alcohol during school hours. Respondent admitted to drinking alcohol while acting in his official capacity as a teacher.

SETTLEMENT AGREEMENT

7. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a WRITTEN REPRIMAND.
- b. Respondent accepts a SUSPENSION of his license(s) for a minimum of three (3) Months. Respondent agrees he bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that he bears the burden of proving that the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent agrees he is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of subparagraphs (c-d) below.
- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.
- d. Respondent agrees to undergo a Substance Abuse evaluation that includes an assessment of his ability to perform duties and expectations of that of a teacher. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the Substance Abuse evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement

until the Board determines he has satisfactorily completed this requirement.

LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

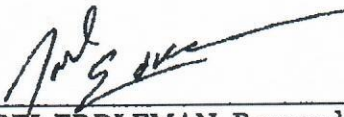
I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Settlement Agreement and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

4/7/2020
Date


JOEL EDDLEMAN, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

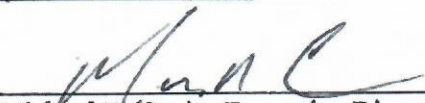
2. Additionally, Respondent's license(s) are SUSPENDED for a minimum of three (3) Months. Respondent bears the burden upon reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of paragraphs (3-4) below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

4. Respondent agrees to undergo a Substance Abuse evaluation that includes an assessment of his ability to perform duties and expectations of that of a teacher. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the Substance Abuse evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 17th day of APRIL, 2020.



Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Joel Eddleman
RESPONDENT

Nathaniel Arnold
974 73rd Street, Suite 30
West Des Moines, Iowa 50265
Nathan@peiowa.org
ATTORNEY FOR RESPONDENT

Jesse Ramirez
ATTORNEY FOR THE STATE